



# Minutes

The Provincetown Licensing Board remote public meeting of **Tuesday, June 8, 2021** at 5:15pm.

## Meeting Agenda

### **NOTE: THIS IS A REMOTE PARTICIPATION MEETING**

In keeping with Governor Baker's Executive Order of March 12, 2020; "Order Suspending Certain Provisions of the Open Meeting Law" – All Participation for Town Residents will be by Remote Access. If the audio becomes unavailable, the meeting will be paused until it can be restored, or the meeting will end. The public is encouraged to download the **Microsoft Teams** meeting app.

## Joining the Meeting:

Join on your computer or mobile app [Click here to join the meeting](#)

Or call in (audio only) [\(833\) 579-7589](tel:8335797589) (Toll-free) Phone Conference ID: 639 125 508#

- Keep your phone muted at all times when not talking (\*6 to mute & unmute your phone)
- Do not use speakerphone
- Do not use Bluetooth devices
- Mute all background noises
- Mute PTV on the television or computer and use only the phone audio

Members present by remote: Robert F. Cameron (RC), Chair; Donald R. German (DG), Clerk; Russell L. Dutra (RD); Julie Knapp (JK), Alternate; Corinne Diana (CD), Alternate.

Excused absence: Shawn Byrne, Vice-Chair.

Staff: Linda Fiorella (LF), Licensing Agent, Moderator.

LF gave opening remarks at 5:15pm and called for quorum by remote; read the rules governing public Meeting under current State guidelines pursuant to the corona virus pandemic.

## ***Public Hearings***

### **New Marijuana Establishment**

Petition from Christopher Taloumis, representing ***The Haven Center, Inc. d.b.a. The Haven Center*** for a ***Marijuana Establishment – Retail License*** at 308 Commercial Street. ***CONTINUED FROM MAY 25, 2021***

LF said the police sign-off is on file as well as three abutter notices in favor from Edward Hernandez and Michael McCaffrey; David Lewis; and Robert Costa. No public comments.

**RC made a motion to approve as printed in the agenda with the condition that the following security alterations are completed within 30 days and before the establishment can commence operations: 1., security camera system and increased lighting to be installed in the hallway at a high angle to cover first door and anyone walking through the hall from the backdoor; 2., security bars installed on all glass doors and windows in both permitted controlled access spaces on the Standish St., east side of the building; 3., installed card-controlled access steel security doors in existing jam, shunting access to the general public on the west side; 4., install a kick-plate on the base of the simple wooden door; area to become employee locker space; 5., any other further requests from the Police Chief or PD before the establishment opens.**

**DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

Meg Nash, representing Chris Taloumis, made themselves available for questions or comments.

### **Special Entertainment License and Noise ByLaw Waiver**

Petition from Susan Pesaturo, representing the ***Pan Mass Challenge*** for a ***Special Entertainment License*** and a ***Noise By-Law Waiver*** for an event to be held on August 8, 2021 at ***Motta Field, 25 Winslow Street***, between 7am to 5pm. No rain date requested.

Susan Pesaturo presented; said major changes have been made to the format to accommodate regular Covid regulations that date back to pre-May; less riders; only one site; enter and exit flows for riders; not having usual buffet but only single serve sandwiches to go; beverages will only be light, no alcohol; plenty of sanitation supplies on hand and format in place for social distancing and hygiene; enforcing State regs.; no family, friends or guest on the Field - only riders.

No public comments or letters. No remarks were fielded from the LB.

**RC made a motion to approve as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

### **Special Alcohol Licenses**

Petition from Melanie Braverman, representing ***Alzheimers Family Support Center of Cape Cod*** for a ***Special Liquor License*** for events to be held on October 16 from 2pm to 6pm and October 17, 2021 from 10am to 4pm at ***260 Commercial St.*** No rain dates requested.

No public comments or letters.

Melanie Braverman presented; said this is perhaps the 6<sup>th</sup> year of the event and marks the return to community engagement; second day is for cultural events. RC remarked that this event has always run very smoothly. Ms. Braverman said there are few alcohol imbibers at the event but that they like to have the option for the caregivers; invited the LB to attend.

**RC made a motion to approve as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

Petition from Nick Pistorino, representing *Pistorino/Ciappara Wedding* for a *Special Liquor License* for an event to be held on October 2, 2021 from 3pm to 11pm at 260 Commercial St. No rain dates requested.

No public comments or letters.

Nick Pistorino presented. CD asked how many guests are expected. Mr. Pistorino said they are at just under 125 confirmed and do not expect any stragglers; all adults except a young nephew; open bar is for beer and wine only, with two craft cocktails of a limited supply; Cosmos is the caterer and all service staff are TIPS-certified. RC asked if there was any Board members at issue with the 11pm end time, to which LF reminded the LB that the event is indoors.

**RC made a motion to approve as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

### **Special Entertainment License**

Petition from Heidi Bolinder representing the *Provincetown Film Festival* for a *Special Entertainment License* for events to be held on June 18, June 19, July 25, July 28, 2021 at Motta Field, 25 Winslow Street, between 8:30pm to 11pm. Rain dates June 20, 21 and July 24 and 26 from 8:30pm to 11:30pm.

LF reported one abutter letter in opposition from W. Lenowsky (sp), and added that Ms. Bolinder had e-mailed a short presentation which she did not have the capacity to upload to Power Point, but which has been forwarded to the Boar. CD remarked that she has seen it.

Ms. Bolinder said the event dates have been reduced to July 25 and July 28, 2021. Blythe Frank, executive director of the Provincetown Film Festival said there would be low, amplified sound directed away from residents, and transistor radios handed out to guests; event to shutter by 10:30pm. Chris Brady, rep from Seashore Point, thanked the applicants and related that the majority of the residents of Seashore Point were in favor of the event.

CD asked for the orientation of the event on the field relative to Seashore Point, to which Ms. Frank indicated as Winslow Street.

RD asked why the event could not be held at the Water's Edge Cinema or another indoor venue which would not possibly impact negatively on the community; said he felt the location and time of the event is insensitive to the residents of Seashore Point. Sarah Nitsch responded by stating the intention of the event to be Covid-compliant in an outdoor setting and that the sound would be made a low as possible and directed away from the residences at Seashore Point. CD pointed out that as the event is to be held in July, residents would likely have the windows shut for air conditioning. RD said he felt that the Covid issue is being beaten to death as a way to ask for more leeway at events.

Ms. Frank replied that children under 12 cannot be vaccinated and her own child's classmate recently tested positive so this is a measure to keep our children safe. Ms. Nitsh said the cinema will be reopening this season but is limited in seating and that this is a big family event. CD agreed.

**DG made a motion to approve as presented for the dates July 25 and July 28, 2021 between the hours of 8:30pm and 10:30pm; no rain-date. RC seconded the motion and it passed, 3-2-0: DG, JK, RC, in favor; RD, JK, opposed.**

The following prepared motion was not specifically voted on:

*Motion to approve the Special Entertainment License for the Provincetown Film Festival at Motta Field with the following condition: In the event that the Licensing Board receives complaints about the entertainment, such complaints will be investigated and if the complaints are determined by the Board to be substantial and legitimate, the Board will have the option, at its discretion, to modify or further condition the approval to mitigate impacts and concerns. If the concerns cannot be mitigated, the Board reserves the right to schedule show cause hearing to suspend or revoke said License.*

Petition from Trevor Pittinger representing the **Juneteenth March** for a **Special Entertainment License** for an event to be held on June 19, 2021 at **the West End Parking Lot, 55 Commercial Street**, between 12pm to 1pm. No rain date requested. **WITHDRAWN**

### **Public Statements**

None.

### **Other Business**

#### Discuss Pedicabs Regulations with Aaron Hobart, Code Compliance Officer

DG suggested some of the newer Board members might need to be brought up to speed on the Pedicab Regulations as proposed. LF noted the main changes as follows: *add a unique identifying number no less than 6" high and 2" wide in reflective material on the right, rear of the cab; business name and telephone number to be posted on the rear of the cab; pedicab operators license shall be displayed at all times when operator is on duty.*

RC related that his chief concern – that the pedicab operator be outfitted with an identifiable picture – was of key importance. DG concurred and added the importance of an identifiable cab number.

Mr. Hobart agreed on all the conditions as proposed by the LB; said he does not conduct a good deal of enforcement with the pedicabs as they are out on the streets 18 hours a day and so these issues, as well as those relating to taxicabs, fall mainly to the PD.

RC suggested a face-to-face discussion might be prudent. LF said July 13<sup>th</sup> would be the first date possible for a Public Hearing on amendments to the pedicab regulations. Mr. Hobart said other changes may be discussed at the Public Hearing in addition to the conditions offered through proper notification. DG suggested going forward with the amendments as stated by LF today.

**CD made a motion to hold a public hearing on the proposed pedicab amended regulations. RC seconded the motion and it passed, 5-0-0; CD, DG, RD, JK, RC.**

Mr. Hobart said his involvement with Covid enforcement is essentially over and his job concerns have returned to licensing, zoning, health and other areas and that if his presence is required by the LB at future meetings to please let him know and he will prepare to attend accordingly.

### ***Enforcement***

None.

### ***Code Compliance***

None.

### ***Amend/Transfer License***

#### **Amend Lodging License**

Robert Bergandine, mgr., d.b.a. **8 Tremont**, 8 Tremont St., Provincetown MA 02657

LF said Mr. Bergandine has two hotels, one of which is losing a room while the other is gaining one, so that it is basically a wash. Mr. Bergandine was not requested to attend the hearing.

**RC made a motion to approve as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

### ***New License***

#### **Vehicle For Hire**

Conway Cabbie #3- VIN# 5FNRL38267B135551; LV 81415; Honda Gray Odyssey 2007

Akim Getters presented. LF said the vehicle has been inspected and all paperwork is in order.

**RC made a motion to approve as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

### ***Renew License***

#### **Art Gallery**

1. Galeria Cubana, LLC., Michelle Wojcik, mgr., d.b.a. **Galeria Cubana**, 357 Commercial St., Provincetown MA 02657
2. Marla Rice d.b.a. **Rice Polak Gallery**, 430 Commercial St., Provincetown MA 02657
3. KMOE Inc., Karen Baker, mgr., d.b.a. **KMOE**, 397 Commercial St., Provincetown MA 02657

**RC made a motion to approve all the Art Gallery License Renewals as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

#### **Lodging**

1. West End Inn Inc., Warren Lefkowich, mgr., d.b.a. **West End Inn**, 44 Commercial St., Provincetown MA 02657
2. CBTB, LLC, David McGlothlin, mgr., d.b.a. **Christopher's By the Bay**, 8 Johnson St, Provincetown MA 02657

**RC made a motion to approve all the Lodging License Renewals as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

**Common Victualer**

1. The Captain's Daughters LLC, Meghan O'Connor, mgr., d.b.a. *The Captain's Daughters*, 384 Commercial St., Provincetown MA 02657
2. Weiner Stand, Inc., Mark Janopolis, mgr., d.b.a. *John's Footlong*, 309 Commercial St., Provincetown MA 02657

**RC made a motion to approve all the Common Victualer License Renewals as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

**Vehicle For Hire Operator**

Phillip Desmarais – Cape Cab  
Delroy Brennan – Ptown Taxi Service  
Akim Getters – Conway Cabbie  
Dorothy Conway – Conway Cabbie

**RC made a motion to approve all the Vehicle for Hire Operator License Renewals as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

LF replied to RC's inquiry that there have been no reported incidents on record involving any of the operators listed. CD asked if a CORY is performed on all operators, to which LF said it is.

**Vehicle For Hire**

1. Conway Cabbie #2 VIN# 24RDGBG9FR581253; LVA4793; Dodge Gray Grand Caravan 2015

**RC made a motion to approve the Vehicle for Hire License Renewal as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

**Parking Lot**

1. St Peter the Apostle Church, Cathleen Henrique, mgr., d.b.a. *St. Peter's Parking Lot*, 11 Prince St., Provincetown MA 02657
2. Rod's Service Station Inc., Mark Silva, mgr., *Rod's Service Station*, 42 Conwell St., Provincetown MA 02657

**RC made a motion to approve all the Parking Lot License Renewals as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

**Weekday and Sunday Entertainment**

1. BLER, Inc., Roberto Lymbertos, mgr., d.b.a. *The Underground*, 293 Commercial St., Provincetown MA 02657

**RC made a motion to approve the Weekday and Sunday Entertainment License Renewal as printed in the agenda. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.**

CD asked if there is a police record of violations stemming from incidents at The Underground. LF replied that to her knowledge there has been no complaints per this applicant, but noted that the establishment has been closed for the past year due to the Covid pandemic.

## ***Correspondence***

None.

## ***Minutes***

RC made a motion to approve the LB meeting minutes of May 25, 2021. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.

## ***Old business***

None.

## ***New Business***

### Uber & Lyft in Town

RD asked if there has been any movement or if measures might be started to remove Uber and Lyft out of Town so that the local cab companies will not continue to be undercut, and CD asked if solicitations can be denied if they do not meet the requirements and regulations of common carriers. LF said it is her understanding that nothing can be done to keep them out as it is a State law. DG added that the history of pharmacies in Town proves that there is nothing to prevent companies from coming in. LF said the matter is more about Zoning, which is handled by Building Commissioner, Anne Howard, but related that there is a check-list for franchises and others to go through in order to make them seem less like a formula business. RD asked if Uber and Lyft operators can be CORY checked and approved and then pay a Town license, to which LF said she would look into it, but that that this aspect has been previously discussed and determined that it is State directive. RC asked if there is an avenue through these companies to impose limitations; said the problem first arose when these vehicles for hire were utilizing local taxi stands and loading zones which they are forbidden from doing – to which LF concurred.

## ***Licensing Board Statements***

RC pointed out that this may be the last Zoom-style meeting due to the lifting of Covid restrictions.

## ***Licensing Agent Statements***

None.

RC made a motion to adjourn the meeting at 6:41pm. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, RC.

Respectfully Submitted,  
Jody O'Neil